

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH ALLEN STRIEGLE,

Plaintiff,

Case No. 1:07-cv-570

v

HON. JANET T. NEFF

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

JUDGMENT

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants moved for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court grant defendants' motions and enter judgment for defendants. The Magistrate Judge determined that plaintiff failed to exhaust his grievance remedies. The Magistrate Judge also determined that defendants were entitled to summary judgment on the merits of plaintiff's claims against them. The matter is presently before the Court on plaintiff's objections to the Report and Recommendation. This Court has also received a response to plaintiff's objections from defendants Correctional Medical Services and George Kuzma, M.D.

In accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court has performed de novo consideration of those portions of the Report and Recommendation to which objections have been made. Plaintiff argues only that the Magistrate Judge's exhaustion analysis was flawed. Plaintiff does not address the Magistrate Judge's alternative holding that defendants are entitled to summary judgment on the merits. The Court therefore denies the objections.

For these reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610 (6th Cir. 1997).

THEREFORE, IT IS ORDERED that the objections (Dkt 33) are DENIED and the Report and Recommendation (Dkt 32) is APPROVED and ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED that defendants' Motions for Summary Judgment (Dkts 8 & 12) are GRANTED and Judgment is entered against Plaintiff and in favor of Defendants.

IT IS FURTHER ORDERED that plaintiff's Motion for Discovery (Dkt 21) and Motion for Default Judgment (Dkt 27) are DENIED as moot.

IT IS FURTHER ORDERED that the Court certifies pursuant to 28 U.S.C § 1915(a) that an appeal of the Judgment would not be taken in good faith.

Date: July 22, 2008

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge